

EXHIBIT 1

Douglas Handshoe

From: Douglas Handshoe <earning04@gmail.com>
Sent: Friday, January 12, 2018 4:34 PM
To: 'foodvacation Canada'
Subject: RE: Deposition dates

Mr. Leary –

I will not forfeit any available discovery tool including the right to take your deposition in furtherance of this case. If traveling to the US is a problem for you, then perhaps you should have considered the possibility of being hauled into a US Courtroom the second you decided to play with the mechanisms of US law sending the misrepresented notices to Slabbed New Media and my personal webhosts.

As far as communicating about the need for a deposition, I attempted to confer with you to set a deposition date and you ignored my email for weeks. As is my right under federal rules, I set a date for the deposition and secured the conference room at the Stone Courthouse. It is your responsibility to attend.

My understanding of the initial disclosure process is that the existence of discoverable materials must be communicated to the other party, which I have done. There are mechanisms for obtaining the underlying documents, a process you have yet to engage.

What you file with the court is not in my control. If you feel the need to contact Magistrate Garguilo about refusing to sit for your deposition or other discovery issues you may have, please be certain to include me in your communications with chambers.

Doug
Doug Handshoe
Slabbed New Media LLC
Post Office Box 788
Wiggins, MS 39577-0788
Phone: (228) 284-0004
Fax: (601) 928-5129
www.slabbed.org

From: foodvacation Canada [mailto:foodvacation@gmail.com]
Sent: Friday, January 12, 2018 3:01 PM
To: Douglas Handshoe <earning04@gmail.com>
Subject: Re: Deposition dates

Mr. Handshoe:

I was hoping to work this out with you extra-judicially. I am trying to confer with you to determine to what extent the deposition issue can be resolved without court intervention. I do not see a need for a deposition when the expense and difficulty, as well as alternative means available, are balanced against your claim under section 512(f). It is my understanding that the parties should communicate about discovery, and you cannot simply arrange a deposition and command me to appear in Stone County, Mississippi. This should be a two-way street.

I do not agree that the deposition is necessary. When I receive notice, I will file a motion to quash. However, I hope we can avoid this. You know that I live outside the U.S., and you yourself refused to appear for cross-examination in Nova Scotia or to provide discovery in our previous case.

As to your initial disclosures, I have yet to receive any of the following:

- Emails between Slabbed New Media LLC and YouTube
- Emails between Slabbed New Media LLC and Amazon Web Services dated in January 2016
- Emails between Slabbed New Media LLC and Cloudflare dated in January 2016
- Terms of service including submission of DMCA notices for YouTube
- Terms of service for AWS including submission of DMCA notices for AWS
- Terms of service for Cloudflare including submission of DMCA notices to Cloudflare

Please send these ASAP. Again, these disclosures are not adequate and I encourage you to consider my complaint and make further disclosures as required.

Again, my address is:
308 5th Ave E
Vancouver, BC
V5T 1H4
Canada

Sincerely,

Charles Leary

On Fri, Jan 12, 2018 at 4:14 PM, Douglas Handshoe <earning04@gmail.com> wrote:

Mr. Leary:

A five day response time to set your deposition was very reasonable, you should not have ignored the communication as I set your deposition for February 6, 2018 at the Stone County Courthouse. If you do not show up I will file a Motion to Compel and will seek sanctions.

I also disagree that my initial disclosures were inadequate.

Doug

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From: foodvacation Canada [mailto:foodvacation@gmail.com]

Sent: Friday, January 12, 2018 1:07 PM

To: Douglas Handshoe <earning04@gmail.com>

Subject: Re: Deposition dates

Mr. Handshoe:

I have been on holiday or sick with the flu. I am now back and recovered. Your request made on Dec. 22 with your self-imposed deadline for a response by Dec. 27 was not reasonable.

I do not agree that a deposition is necessary under FRCP 26(b)(1). Regarding your single cause of action against me under section 512(f), the burden or expense of the proposed discovery outweighs its likely benefit in this case. I live outside of the United States, far from Mississippi and I am currently working outside of North America. The cost for me to travel to Stone County far outweighs the probative value of the deposition for a cause of action awarding nominal damages. I believe the same holds true for my action against you--interrogatories, admissions, and requests for production should be sufficient to prepare your defense.

I have not seen your requested discovery, but I will go to the court if any request appears irrelevant to any party's claim or defense and/or is disproportional to the needs of the case. I trust, however, that we can work out any differences through communication, as directed by the magistrate

Please note that I also plan to file a motion to amend my complaint based on some fresh facts and events. I plan to have that filed within the next week, along with a draft amended complaint.

Your initial disclosures were also grossly inadequate, and I trust you will re-evaluate those disclosures and get back to me. Amongst other things, you have not even provided copies of the communications with YouTube that you mentioned. Reasonably, before depositions are discussed, your initial disclosures should be complete, a situation I will soon have to bring to the court's attention. I will have interrogatories, etc., sent to you shortly.

Sincerely,

Charles Leary

On Fri, Dec 22, 2017 at 5:00 PM, Douglas Handshoe <earning04@gmail.com> wrote:

Mr. Leary:

I would like to set a date with you for the week of February 5-9, 2018 to conduct depositions. The week of January 29 - February 2, 2018 also works should the first full week in February be no good for you. Please advise me by December 27, 2017 as to which of these two sets of dates work for you. I will reserve the conference room at the Stone County Courthouse 1st Floor, 323 E Cavers Ave, Wiggins, MS 39577 to use for the deposition.

I thank you in advance for your cooperation.

Doug Handshoe

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